

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Rudinplay Inc.,

Plaintiff,

-against-

The Estate of Nelle Harper Lee et al.,

Defendants.

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1:18-cv-03300 (AT) (SDA)

SCHEDULING ORDER

STEWART D. AARON, United States Magistrate Judge:

Following a conference held with the parties on April 30, 2018, pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, the Court hereby sets the following schedule:

1. Amended pleadings may not be filed and additional parties may not be joined except with leave of Court. Any motion to amend or join additional parties shall be filed by Plaintiff within ten (10) days of the date of this Order. Any amendment of Defendants' Answer (or joinder of additional parties) shall be made no later than seven (7) days after filing of their initial Answer.
2. Initial disclosures, pursuant to Fed. R. Civ. P. 26(a)(1), shall be completed by 1:00 p.m. EDT on May 7, 2018.
3. All discovery, both fact and expert, shall be completed by May 29, 2018, except as provided in the final clause of subparagraph 4(f) below.
4. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of the parties without application to

the Court, provided that all fact discovery is completed by the date set forth in paragraph 3 above:

- a. Defendants shall respond to Rudinplay's First Set of Expedited Interrogatories (ECF No. 13-12) by 1:00 p.m. EDT on May 7, 2018. If Defendants choose to serve interrogatories, as permitted by Local Rule 33.3(a), they shall do so no later than 5 p.m. EDT on May 3, 2018; Plaintiff's responses to any such interrogatories shall be served by 1:00 p.m. EDT on Monday, May 7, 2018.
- b. Defendants shall serve any objections to Rudinplay's First Set of Requests for Expedited Production of Documents to Defendants (ECF No. 13-11) by 5:00 p.m. EDT on May 4, 2018.
- c. Defendants shall serve their requests for production of documents by 5 p.m. EDT on May 3, 2018; and Plaintiff's objections thereto, if any, shall be served by 1:00 p.m. EDT on Monday, May 7, 2018.
- d. The parties shall conduct expedited document discovery, including production by the parties of responsive documents on a rolling basis commencing on May 7, 2018, and to be completed by 5 p.m. EDT on May 10, 2018. The parties' respective privilege logs shall be produced no later than 1:00 p.m. EDT on May 11, 2018.
- e. Fact depositions shall begin on May 11, 2018, and conclude by May 18, 2018, including weekend days, and double-tracked, as needed.
- f. Expert reports are due on May 22, 2018 and expert depositions, if any, shall be conducted between May 24, 2018 and May 29, 2018, including weekend days, as needed; provided, however, that if a damages expert report is served by Plaintiff,

any rebuttal report is due on May 28, 2018, and the deposition of Defendants' rebuttal expert shall be taken by May 30, 2018.

5. If Plaintiff intends to seek leave of Court to have one or more scenes from the "Play" (as defined in the operative Agreement) performed or otherwise shown to the jury during the trial, then on or before May 15, 2018,¹ a video of the Play shall be produced by Plaintiff to Defendants.²
6. The Final Pretrial Submission date is May 31, 2018. By the Final Pretrial Submission Date, the parties shall submit a Joint Pretrial Order prepared in accordance with District Judge Torres' Individual Practices and Fed. R. Civ. P. 26(a)(3). Any motions *in limine* shall be filed before the Final Pretrial Submission Date and the pre-motion conference requirement is waived for any such motion. Proposed *voir dire* questions, jury instructions and verdict form shall also be filed by the Final Pretrial Submission Date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the joint submission. Jury instructions may not be submitted after the Final Pretrial Submission Date, unless they meet the standard of Fed. R. Civ. P. 51(a)(2)(A).

¹ Plaintiff may seek leave to extend the May 15, 2018 deadline only for good cause shown, and then for a very brief time period (e.g., 24 hours).

² It is within the discretion of District Judge Torres to determine whether one or more scenes from the Play will be shown to the jury either live or by video. However, Plaintiff may be precluded from making a presentation of the Play itself to the jury unless the video is produced as set forth above.

Counsel are encouraged to meet and confer to address issues as they arise. In light of the expedited nature of the case, counsel should not hesitate to contact Magistrate Judge Aaron's Chambers in the event that they are unable to resolve such issues.

SO ORDERED.

DATED: New York, New York
 April 30, 2018

Stewart D. Aaron

STEWART D. AARON
United States Magistrate Judge